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No. 9] NEW DELHI, SATURDAY, MARCH 1, 1969 (PHALGUNA 10, 1890)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
(Separate paging is given to this Part in order that it may be filed as a separate compilation)

भाग III—खण्ड 3

PART III—SECTION 3

लघु प्रशासनों से सम्बन्धित अधिसूचनाएं

Notifications relating to Minor Administrations

GOVERNMENT OF PONDICHERRY

ABSTRACT

HEALTH & FAMILY PLANNING DEPARTMENT—
Establishment—Gazetted—Resignation of Dr. K. Karunakaran, Assistant Surgeon, General Hospital, Pondicherry—Accepted—Notification—Issued.

**Health, Education and Local Administration
Department**

Pondicherry-1, the 13th February 1969

ORDER

The following Notification will be published in the Gazette of Pondicherry :—

NOTIFICATION

G.O.Ms. No. 28/69/Health—The resignation tendered by Dr. K. Karunakaran, Assistant Surgeon, General Hospital, Pondicherry, has been accepted with effect from 20th January, 1969 (afternoon).

(By Order of the Lt. Governor)

V. KRISHNAMURTI

Under Secretary to Government

ADMINISTRATION OF DADRA & NAGAR HAVELI

Silvassa, the 10th February 1969

ORDER

No. ADM/SUP/VP/WS/211/69—In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the Order of the

478G1/68

Government of India, Ministry of Food, Agriculture, Community Development and Co-operation (Deptt. of Food) No. GSR.111, dated the 24th July, 1967, and with the prior concurrence of the Central Government, I, Nakul Sen, Administrator, Dadra and Nagar Haveli do hereby make the following Order, namely :—

1. *Short Title, Extent and Commencement.*—(1) This order may be called the Dadra and Nagar Haveli Vanaspati Dealers Licensing Order, 1969.

(2) It extends to the whole of the Union Territory of Dadra and Nagar Haveli (hereinafter referred to as the Territory).

(3) It shall come into force immediately.

2. *Definitions.*—In this order unless the context otherwise requires.

(a) “dealer” means any person who whether for commission, remuneration or otherwise, carries on the business of purchase, sale or storage for sale of vanaspati in quantity of twenty kilograms or more at any one time but does not include, an industrial undertaking which is engaged in the manufacture or production of vanaspati and which is registered or licensed under the Industries (Development and Regulation) Act, 1961;

(b) “Vanaspati” means any refined edible vegetable oil subjected to a process of hydrogenation in any form.”

(c) “form” means a form set forth in the Schedule to this Order;

(d) "Licensing authority" means the Purchase and Supply Officer or any other Officer appointed by the Collector to exercise the powers and perform the duties of the Licensing authority under this Order;

(e) "Collector" means the Collector, Dadra and Nagar Haveli;

(f) "retailer" means a dealer who sells not more than 16.5 kilograms of vanaspati to any one consumer at a time.

(g) "wholesaler" means a dealer who sells Vanaspati,

(i) to a retailer in any quantity, or

(ii) to a consumer exceeding 16.5 kilograms at a time".

3. *Licensing of Dealers.*—(1) No person shall carry on business except under and in accordance with the terms and conditions of a licence issued in this behalf by the licensing authority.

(2) For the purpose of this clause, any person who stores any vanaspati in quantity of twenty kilograms or more at any one time, shall, unless contrary is proved, be deemed to be a dealer.

4. *Issue of Licence.*—(1) Every application for the issue or re-issue of a licence or renewal thereof shall be made to the licensing authority in form "A".

(2) The licensing authority may after giving the applicant an opportunity of stating his case in writing and for reasons to be recorded in writing, refuse to grant or renew or re-issue a licence.

5. *Period of Licence and Fees Chargeable.*—(1) Every licence issued under this order shall be valid from the date of issue to the 31st December of the calendar year in which it is issued, and may thereafter be renewed for a further period of one year at a time.

(2) Every licence issued, re-issued or renewed under this Order shall be in form "B" and shall be subject to the conditions specified therein.

(3) The holder of a licence may obtain from licensing authority a duplicate copy of the licence issued to him but which is lost, destroyed or defaced.

(4) The fees specified below shall be chargeable in respect of each licence, namely:—

For issue of licence ..	Rs. 5/-
For renewal of licence ..	Rs. 2/-
For issue of duplicate licence ..	Rs. 10/-

6. *Application for Licence and Deposit of Security.*—Every person shall apply for a licence within 20 days of the commencement of this order and every person applying for a licence under this Order after such commencement, shall before such licence is issued to him, deposit with the licensing authority rupees five hundred if he is a wholesaler and rupees one hundred if he is a retailer, in cash or in the form of 12 years National Defence Certificate, 10 years National Defence Deposit Certificates, 10 years National Saving Certificate, Government scripts of loans issued by the Government of India or any State Government or scripts of loans issued by any local authority, by way of security for the due performance of the conditions subject to which the licence is granted to him.

7. *Distribution/Sale.*—(1) The licensee shall comply with any direction that may be given to him by the Licensing authority in regard to purchase, sale and storage for sale of vanaspati.

(2) The licensee shall not sell vanaspati at rates higher than those fixed from time to time:—

(a) by the producer; or

(b) by the Central Government; or

(c) by the State Government in exercise of the power conferred by law".

8. *Contravention of Conditions of Licence.*—No holder of a licence issued under this Order or his agent or servants or any other person acting on his behalf shall contravene any of the terms or conditions of the licence and if any such holder or agent or servant or any other person acting on his behalf contravenes any of the said terms or conditions then, without prejudice to any other action that may be taken against him, his licence may be cancelled or suspended by order in writing of the Licensing authority:—

Provided that no order shall be made under this clause unless the licensee has been given a reasonable opportunity of stating his case against the proposed cancellation or suspension.

9. *Cancellation of Licence on Contravention of an Order under the Essential Commodities Act, 1955, relating to Foodstuffs.*—Notwithstanding anything contained in clause 7, where a licensee has been convicted by a court of law of contravention of any order made under section 3 of the Essential Commodities Act, 1955 (10 of 1955) relating to vanaspati or any foodstuffs, including edible oil seeds and oil, the licensing authority may, by order in writing cancel his licence.

Provided that where such conviction is set aside in any appeal or revision, the Licensing Authority may, on application in Form A by the person whose licence has been cancelled, re-issue the licence to such person and no fee shall be chargeable in respect of re-issue of such licence.

10. *Appeal.*—(1) Any person aggrieved by an order of the licensing authority refusing to issue, re-issue or renew a licence or cancelling or suspending a licence under the provisions of this Order may appeal to the Collector, within 30 days of the date of receipt by him of such order.

Provided that the Collector may admit an appeal after the expiry of the said period of 30 days, if the applicant satisfies him that he had sufficient cause for not preferring the appeal within such period.

(2) No order shall be made under this clause unless the aggrieved person has been given reasonable opportunity of stating his case.

(3) Pending disposal of an appeal, the Collector may direct that the order refusing to renew a licence or the order cancelling or suspending a licence shall not take effect until the appeal is disposed of.

11. *Revision.*—The Administrator, may call for and examine the record or any proceedings of the licensing authority or the Collector for the purpose of satisfying himself as to the legality or propriety of any Order passed in such proceeding or as to the regularity of such proceedings and it shall appear to the Administrator that such order or proceeding should be modified, annulled or reversed, he may pass order thereon as it deems fit.

Provided that no order shall be made under this clause unless the person who is likely to be affected thereby has been given reasonable opportunity of stating his case.

12. *Powers of Entry, Search, Seizure etc.*—(1) The licensing authority or any other Officer authorised by the Collector in this behalf may with such assistance if any, as he thinks fit;

(a) require the owner, occupier or any other person in charge of any place, premises, vehicle or vessel in which he has reason to believe that any contravention of the provision of this Order or of the conditions of any licence issued, thereunder, has been, is being, or is about to be committed, to produce any books, accounts or other documents showing transactions relating to such contravention;

(b) enter, inspect or break-open and search any place or premises, vehicle or vessel in which he has reason to believe that any contravention of the provision of this Order or of the conditions of any licence issued thereunder has been, is being, or is about to be committed;

(c) take or cause to be taken, extracts from or copies of any documents showing transactions relating to such contravention which are produced before him;

(d) search, seize and remove stocks of vanaspati and the animals, vehicles, vessels, or other conveyances used in carrying such vanaspati in contravention of the provisions of this Order or of the conditions of the licence issued thereunder and thereafter take or authorise the taking of all measures necessary for securing the production of stocks of vanaspati and the animals, vehicles, vessels or other conveyance so seized, in the court and for their safe custody pending such production.

(2) The provisions of section 102 and 103 of the Code of Criminal Procedure, 1898, relating to search and seizure shall, so far as may be, apply to searches and seized under this clause.

13. *Saving*.—Nothing in this Order shall apply to.—(i) the sale or storage for sale or purchase of vanaspati on Government account;

(ii) the sale or storage for sale or purchase of vanaspati by the Food Corporation of India established under the Corporations Act, 1964.

THE SCHEDULE

FORM A

[See clause 4(1)]

THE DADRA AND NAGAR HAVELI VANASPATI DEALERS' LICENSING ORDER, 1969

Application for grant/renewal/re-issue of licence

1. Applicant's name.
2. Applicant's professions.
3. Applicant's residence.
4. Situation of applicant's place of business with particulars as to number of house, moholla, village, name of Pateldad Police Station.
5. How long the applicant has been trading in Vanaspati.
6. Did the applicant hold a Vanaspati licence on any previous occasion? If so give particulars including details of its suspension or cancellation, if any.
7. Quantities of Vanaspati handled annually during the last three years (Nov.-Oct.).
8. Income-tax paid in the two years preceeding the year of application to be indicated separately.
 1.
 2.
9. (a) Quantity of vanaspati in the possession of the applicant on the date of application and the places at which the different quantity are kept.

(b) complete address of places where vanaspati is proposed to be stored.
10. Whether the licence is required as wholesaler or retailer or both.

I declare that the quantities of vanaspati specified above are in my possession this day and are held at the places noted above.

I have carefully read the conditions of the licence given in form B appended to the Dadra and Nagar Haveli Vanaspati Dealers Licensing Order, 1969 and I agree to abide by them.

- (a) I have not previously applied for such licence for vanaspati.
- (b) I applied for such licence for _____ on _____ and was not granted a licence.
- (c) I hereby apply for renewal of licence No. _____ dated _____ issued to me on _____.
- (d) I hereby apply for the re-issue of my licence No. _____ dated _____.

Date _____ (Signature of applicant)

Place _____

*Strike off the clauses not applicable.

FORM B

The Dadra and Nagar Haveli Vanaspati Dealers Licensing Order, 1969. Licence for Purchase, Sales, Storage for sale of Vanaspati [See clause 5(2)]

LICENCE No. _____

1. Subject to the provisions of the Dadra and Nagar Haveli Vanaspati Dealers Licensing Order, 1969 and to the forms and conditions of this licence Shri _____ is/are hereby authorised to purchase, sell, or store for sale the vanaspati as a wholesaler/retailer.

2. (a) The licensee shall carry on the aforesaid business at the following places, _____

(b) Vanaspati in which the aforesaid business is to be carried on shall not be stored at any place other than any of the godowns mentioned below.

NOTE:—If the licensee intends storing his Vanaspati in godowns other than those specified above, he shall give intimation of the actual occupation of such godown within 48 hours of the actual occupation thereof for making requisite changes by the licensing authority.

3. (i) The licensee shall, except when specially exempted by the Collector or by the licensing authority in this behalf, maintain a register of daily accounts for vanaspati showing correctly—

- (a) the opening stock on each day;
- (b) the quantities received on each day showing the place from where and the source from which received;
- (c) the quantities delivered or otherwise removed on each day showing the place of destination;
- (d) the closing stock on each day.

(ii) The licensee shall complete his account for each day on the day to which they relate, unless prevented by reasonable cause, the burden of proving which shall be upon him.

4. (i) The licensee, if he is a wholesaler, shall except when specially exempted by the Collector or by an Officer authorised by the Collector in this behalf, subject to the licensing authority concerned a true return, in form C, of the stocks, receipts and deliveries of vanaspati every fortnight (1st to 15th and 16th to end of the month) so as to reach him within five days after the close of the fortnight.

(ii) The licensee, if he is a retailer, shall, except when specially exempted by the Collector or by an Officer authorised by the Collector in this behalf, submit to the licensing authority concerned a true return in Form D of the stocks receipts and deliveries of vanaspati every month so as to reach him within five days of the close of the month.

5. The licensee shall not contravene the provisions of the Dadra and Nagar Haveli Vanaspati Dealers Licensing Order, 1969 or any law relating to foodstuffs issued from time to time.

6. The licensee shall not contravene the provisions of any law relating to foodstuffs for the time being in force.

7. The licensee shall not.—(i) enter into any transaction involving purchase, sale or storage for sale of Vanaspati in a speculative manner prejudicial to the maintenance and easy availability of supplies of vanaspati in the market;

(ii) withhold from sale supplies of vanaspati ordinarily kept for sale; or

(iii) sell or offer to sell in any locality any kind of vanaspati at a price higher than that fixed for sale of that vanaspati in such locality by the Central Government or by the State Government in pursuance of power conferred by law or by the producer thereof.

8. The licensee shall exhibit at the entrance or some other prominent place of his business premises, the price list of vanaspati held by him for sale. Such price list shall be legibly written in the principal language of the locality concerned. It should indicate separately the price of different varieties of vanaspati.

9. The licensee if he is a wholesaler shall sell vanaspati only to retailers (including himself if he holds retailer's licence also) who are registered with him and to bulk consumers who purchase in bulk a tin or more and in accordance with such directions as the licensing authority or any Officer authorised by that authority in this behalf, may give from time to time. The register of retailers shall be in form 'E'.

The wholesaler shall keep a separate register of transactions with the bulk consumers and mention therein their correct names, addresses and other details to prove their identity.

10. The licensee shall, except when specially exempted by the Collector or by the licensing authority in this behalf, issue to every customer a correct receipt or invoice, as the case may be, giving his own name, address and licence number the name, address and licence number (if any) of the customer, the date of transaction, the quantity of vanaspati sold, the price per pack tin or in case of loose per kg, and the total amount charged and shall keep a duplicate of the same to be available for inspection on demand by the licensing authority or any Officer authorised by it in this behalf.

11. The licensee shall give all facilities at all reasonable times to the licensing authority or any Officer authorised by it or the Collector for the inspection of his stocks and accounts at a shop, godown or other place used by him for the storage, sale or purchase of vanaspati and for the taking of sample of vanaspati for examination.

12. The licensee shall comply with any direction that may be given to him by the Collector in regard to purchase, sale and storage for sale of vanaspati and in regard to the language in which the register, returns, price list, receipts or invoice mentioned in paragraphs 3, 4, 8 or 9 shall be written and the authentication and maintenance of the register mentioned in paragraph 3 and 9.

13. This licence shall be attached to any application for renewal.

14. This licence shall be valid up to -12-196 .

Place :

Date :

(Licensing authority)

FORM C

(For use by a Dealer)

(See Paragraph 4 of Form B)

Return of stocks, receipts and sale of vanaspati for the fortnight ending.....196 .

Name.....

No. of Licence.....

Address.....

Particulars of godowns where stock held..... variety of the vanaspati.

Particulars, quantity in tin, quintals and remarks if any.

1. Stock at the beginning of the fortnight.

(a) Actually with the stockist.

(b) Pledged with any person or institution such as a Bank or co-operative society.

Total.....

2. (a) Quantity purchased during the fortnight and the source of supply.

(b) Approximate average price paid.

Total quantity purchase.....

3. Quantity sold.....

(a) Quantity sold and delivered/removed during the fortnight.

(b) Quantity sold but not yet delivered.

(c) Approximate average price realised/charged.

Total sold.

4. Stock at the end of the fortnight.

(a) actually with the stockist.

(i) unsold.

(ii) sold but awaiting delivery.

(b) pledged with any person or institution such as a bank or a co-operative society.

Total.....

(Signature)

Place :

Date :

Licence No.....

To

The Licensing Authority.

FORM D

For use by a dealer holding a retailer's licence

[See clause (ii) of paragraph 4 in Form B]

Return of stocks, receipts and sale of vanaspati for the month196 .

Name.....

No. of licence.....

Address.....

Particulars of godowns where stock held.

Variety of vanaspati.

(1) Opening stock.

(2) Quantity purchased during the month.

(3) Source of supply.

(4) Quantity sold during the month.

(5) Closing stock at the end of the month.

Date.

Place :-

Signature.

Licence No.....

To

The Licensing Authority.

FORM E

(See paragraph 9 of Form B)

Register of Retailers

1. Name of the licensee.

2. Address.

3. Licence number.

Serial Number of registration, Name and address of the retailers.

NAKUL SEN

Administrator

Dadra and Nagar Haveli.

Silvassa

UNION TERRITORY OF DADRA AND NAGAR HAVELI

Panaji, the 18th January 1969

No. ADM/SSI/FRT(ii)—In exercise of the powers conferred under clause 19 of the Fertilizer (Control) Order, 1957, I, Nakul Sen, Administrator, Dadra and Nagar Haveli, am pleased to appoint the Farm Supervisor to be "Inspector" for the purpose of the said order in the Union Territory of Dadra and Nagar Haveli.

This Office Notification No. ADM/SSI/FRT, dated 1-7-67 shall stand repealed in respect of the appointment of the Farm Superintendent as "Inspector".

The 25th January 1969

No. ADM/LAW/117(14)(iv)—In exercise of the powers conferred by rule 69 of the Drugs and Cosmetics Rules, 1945, I, Nakul Sen, Administrator, Dadra and Nagar Haveli, am pleased to appoint the Chief Medical Officer, Dadra and Nagar Haveli, to be the Licensing Authority for the purpose of Part VII of the above said Rules in Union Territory of Dadra and Nagar Haveli.

No. ADM/LAW/117(14)(v)—In exercise of the powers conferred by Rule 50 of the Drugs and Cosmetics Rules, 1945, I, Nakul Sen, Administrator, Dadra and Nagar Haveli, am pleased to appoint the Collector, Dadra and Nagar Haveli, to be the "Controlling Authority" for purposes of the Drugs and Cosmetics Act, 1940 (No. XXIII of 1940) in the Union Territory of Dadra and Nagar Haveli.

Cabo Raj Niwas

Caranzalem

NAKUL SEN

Administrator

Dadra and Nagar Haveli

Silvassa

